

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Cr. No. 05-1849 JH
)
)
DAVID REID,)
)
Defendant.)

UNITED STATES' RESPONSE TO
DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE

COMES NOW the United States of America, by and through David C. Iglesias, United States Attorney for the District of New Mexico, and James R.W. Braun, Assistant United States Attorney for said District, and responds to defendant Reid's Motion to Modify Conditions of Release as follows:

1. On August 23, 2005, a federal grand jury in Albuquerque returned a twenty-six count indictment charging David Reid ("Reid") and twenty co-defendants in Count 1 with Conspiracy to Distribute 1000 Kilograms and More of Marijuana, in violation of 21 U.S.C. § 846. As to that count, Reid faces a mandatory term of ten years, and up to life, imprisonment.

2. On August 26, 2005, Reid appeared before United States Magistrate Judge Hector C. Estrada in Tucson, Arizona. Judge Estrada released Reid on conditions which included electronic monitoring and a restriction on travel outside of Arizona.

3. On September 15, 2005, Reid appeared before United States Magistrate Judge Richard L. Puglisi in Albuquerque for arraignment. Judge Puglisi subsequently entered an order adopting the conditions of release set by Judge Estrada. (Doc. 168).

4. On September 21, 2005, Reid filed a motion requesting permission to pilot a plane out of the state of Arizona from September 26 through September 30, 2005. After a hearing on Reid's motion on September 23, 2005, United States Magistrate Judge Robert H. Scott denied the motion and further ordered that Reid would be precluded from flying an aircraft. (Doc. 181).

5. Reid filed the present motion on November 3, 2005. In his motion, Reid requests that his conditions of release be modified by removing both the requirement that he be subject to electronic monitoring and the restriction on him piloting an aircraft.

6. The United States does not oppose Reid's request to remove the requirement that he be subject to electronic monitoring. However, given the nature of the charges in this case, which include an allegation that Reid piloted aircraft on behalf of the Dana Jarvis drug trafficking organization, the United States continues to oppose Reid's request to be allowed to pilot an aircraft. The United States submits that this requirement is necessary to ensure both Reid's appearance as required and the safety of the community.

Respectfully submitted,

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I HEREBY CERTIFY that a true copy of
the foregoing pleading was faxed to opposing
counsel of record, Zubair Aslamy and Jerry
Daniel Herrera, this 17th day of November 2005.



JAMES R.W. BRAUN
Assistant U.S. Attorney